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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,749	02/12/2001	Takanori Yokoi	1232-4682	8899

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EXAMINER

MIZRAHI, DIANE D

ART UNIT PAPER NUMBER

2165

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/781,749

Applicant(s)

YOKOI ET AL.

Examiner

DIANE D. MIZRAHI

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-19, 21, 26, 29-31, 33, 35, 38 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-19, 21, 26, 29-31, 33, 35, 38 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received..

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

III. DETAILED ACTION

Claims 17-19, 21, 26, 29-31, 33, 35, 38 and 55 are presented for examination and are pending.

*In response to Applicants remarks, all previous presented rejections of the claims are hereby withdrawn as to being moot.*

Drawings

The Examiner contends that the drawings submitted on February 21, 2001 are acceptable for examination proceedings.

Claim Objections

Claims 55 is objected to because of the following informalities: Examiner requires that Applicant preamble read as such, "A tangible computer-readable storage medium for storing a program, comprising the steps of..." in Applicant's preamble of the claims. Appropriate correction is required.

Claim Rejections - 35 USC , 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 17-19, 21, 26, 29-31, 33, 35, 38 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, directed towards an abstract idea

or data structure.

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978). A process that consists solely of the manipulation of an abstract idea is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459.

Claims 17-19, 21, 26, 29-31, 33, 35, 38 represent an abstract idea that do not provide a practical application in the technological arts. There is no manipulation of data nor is there any transformation of data from one state to another state being performed in "An information providing system". Actually, no post-computer process activity is found in the technological arts. "An information providing system" his not a physical transformation. Thus, no physical transformation is performed, no practical application is found. Also, the claims

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do not appear to correspond to a specific machine or manufacture disclosed within the specification and thus encompass any product of the class configured in any manner to perform the underlying process. Consequently, the claims are analyzed based upon the underlying process, and are thus rejected as being directed.

Also, Examiner requires that Applicant include "a computer-implemented..." in Applicant's preamble of the claims.

Appropriate correction is required.

**Claim Rejections - 35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19, 21, 26, 29-31, 33, 35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent# 6,341,268 and Walker hereinafter) in view of Brock Kolls (U.S. Patent# 6,056,194 and Kolls Bestgen hereinafter).

Regarding Claims 17, 29 and 55, Walker teaches an information providing system, comprising: a database for storing sales record information (i.e. a price management table database) (col 55-61); condition displaying means for displaying a selection area plurality of collecting (i.e. displayed on a video) (col 4, lines 36-46) and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46) of a plurality of procurement histories (i.e. historical information) (col 4, lines 29-36); (col 4, lines 36-46) and a condition area to input a search condition area ... at least one input field (i.e. price table) (col 6, lines 16-56 and col 7, lines 17-26) and receiving a selection from said collecting and summing up methods and a search condition input in said input field (col 6, lines 16-56; col 7 lines 17-26) see also (col 4, lines 28-36) selection display means for displaying, (col 4, lines 36-46) the selected collecting and summing up method and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46) so as to be able to discriminate from the other collecting (figure 3A) and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46); search means for searching said database for the sales record information and

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returning relevant sales record information (col 6, lines 16-56) on a basis of the input searchcondition (col 4, lines 28-36) (col 5, lines 8-20); and summing up method selected from the list of collecting and summing up methods (i.e. calculate a bill) (col 5, lines 1-20).

Walker does not expressly teach display screen and returned sales record information.

Koll teaches display screen (col 16, lines 5-7) and returned sales record information (col 16, lines 5-7).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Walker with the teachings of Kolls to include the claimed, "display screen and returned sales record information" with the motivation to improve the performance of the user by preventing a user from accidentally being charged (Bestgen, col 1, lines 49-51).

Regarding Claims 18 and 30, Walker teaches wherein the collecting and summing up method selected from a list displayed in the selection area includes a method of collecting and summing up money amount of sales record (i.e. calculate a bill) (col 5, lines 1-20).

Regarding Claim 19 and 31, Walker teaches collecting and summing up money amount of sales record includes annually or monthly collecting and summing up money amount (i.e. inherent by the how many times the customers has now visited the restaurant enough times to be entitled to frequent customer status) (col 8, lines 38-50).

Regarding Claims 21 and 33, Walker teaches wherein the method of collecting and summing up money amount of sales record includes collecting-and summing up money amount per first half and second half term (i.e. by historical information) (col 7, lines 5-15) (see also, i.e. predetermined default prices) (col 8, lines 1-16).

Regarding Claims 23 and 35, Walker teaches wherein the method of collecting and summing up money amount includes collecting and summing up money amount per sales items, (Figure 3A) purchasing contact points or customers (col 4, lines 47-57).

Regarding Claims 26 and 38, Walker teaches wherein the search condition includes a sales item, (Figure 3A) a purchasing contact point or a customer (col 4, lines 47-57).

#### Comments

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the



corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Other Prior Art Made of Record**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or

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1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 873-8300 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi  
Primary Patent Examiner  
Technology Center 2100

July 25, 2005